

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

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MELISSA CHERKASKY,	:	
Plaintiff,	:	
	:	
v.	:	No. 5:21-cv-5204
	:	
BOYERTOWN AREA SCHOOL	:	
DISTRICT,	:	
Defendant.	:	

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**ORDER**

**AND NOW**, this 6<sup>th</sup> day of June 2022, upon consideration of Defendant's Motion to Dismiss, ECF No. 13, Plaintiff's Response in Opposition, ECF No. 14, Defendant's Reply, ECF No. 15, and for the reasons given in the Opinion issued this date, **IT IS HEREBY ORDERED** that Defendant's Motion, ECF No. 13, is **GRANTED in part and DENIED in part** as follows:

1. Defendant's Motion to dismiss Cherkasky's claims of discrimination is **GRANTED**;
  - a. Cherkasky's claims of discrimination, sexual harassment, hostile work environment, and constructive termination are **DISMISSED with prejudice**.<sup>1</sup>
2. Defendant's Motion to dismiss Cherkasky's claims of retaliation is **DENIED**.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.  
JOSEPH F. LEESON, JR.  
United States District Judge

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<sup>1</sup> The Court dismisses these claims with prejudice because Cherkasky had an opportunity to cure her claims' deficiencies but did not. Any additional amendments would therefore be futile. *See Boyd v. New Jersey Dept. of Corrections*, 583 Fed. Appx. 30, 32 (3d Cir. 2014).